

Notice of Allowability

Application No.

10/691,604

Applicant(s)

LEE ET AL.

Examiner

Art Unit

Kelly Mahafkey

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/31/07.
2. ☒ The allowed claim(s) is/are 6-8 (renumber as 1-3).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Please replace the abstract submitted 5/31/07 with the attached abstract.

Note: The abstract was amended because the amended abstract submitted on 5/31/07 was not in a single paragraph format and was not on a separate sheet.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The 103(a) rejection of claims 6-8 made over Try (Try Korean Dishes: Kalbit'ang-Rib Coup 9/17/2000) in view of the combination of George (US 6042863) and Katsuragi (US 5756543) and Komatsu (US 3892058) and McIntyre (US 4741911) has been withdrawn in light of applicant's amendments and arguments made May 31, 2007. Applicant's argument that there is no motivation to pretreat the ginseng in a phosphoric acid solution by blanching and to pretreat the chestnuts and jujubes in a phosphoric acid and calcium solution is convincing, and thus, the rejection is withdrawn.

The newly found prior art, Kim (Application KR2001079456 A) discloses of an aseptically packaged rice composition containing chestnuts, ginseng, and jujubes. Kim teaches of mixing the raw materials, hermetically sterilizing the ingredients at 121-141C for 1-6 minutes, cooking the ingredients at about 100C, and aseptically packaging the cooked rice. Kim teaches of cutting and pretreating the chestnuts and ginseng with water. Kim, however, does not teach or suggest the ginseng as pretreated in a phosphoric acid solution or the jujube and chestnut as pretreated in a calcium and phosphoric acid solution. Since there is no prior art teaching of treating ginseng with

phosphoric acid and treating jujube and chestnut in a calcium and acid solution, there is no suggestion to alter the teaching of Kim to include these steps, particularly in view of the fact that Kim does not teach treating the chestnuts, ginseng and jujubes with any additive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Mahafkey whose telephone number is (571) 272-2739. The examiner can normally be reached on Monday through Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lien Tran/
Primary Examiner
Group 1700

Kelly Mahafkey
Examiner
Art Unit 1761

A handwritten signature in black ink, appearing to be 'K. Mahafkey', with a long, sweeping horizontal line extending to the right.

Abstract

A process for preparing nutritious cooked rice in an aseptic package, by mixing ginseng, jujube, chestnut and black rice, which has excellent taste and smell and capability of long-term preservation at room temperature. The process includes treating ginseng, jujube and chestnut with a mixed solution of an aqueous solution of calcium and an aqueous solution of 0.1-0.3% organic acid or phosphoric acid, mixing with non-glutinous rice, glutinous rice and black rice at a fixed rate, filling a fixed amount of the mixture automatically in a heat-resisting plastic container, sterilizing the mixture 4-10 times repeatedly for 4-8 seconds at a high temperature of 130-150C and high pressure, cooking the sterilized mixture in a measured amount of liquid for cooking, sealing and packaging the resultant cooked rice mixture aseptically so that nutritious cooked rice which is free from microorganism and capable of long term preservation (more than 6 months) can be obtained.